

Upper Yuba River Studies Program

Olivehurst Public Meeting

September 7, 1999
7:00 pm – 9:00 pm

Transcript of Question and Response Session

Participants: Terry Mills – CALFED
Dave Munro – Skippers Cove Marina
Shawn Garvey – South Yuba River Citizens League
Jim Eicher – Bureau of Land Management
Les Nicholson – Nevada Irrigation District
Jen Carville – Friends of the River
Charlie Alpers – US Geological Survey
Bonnie Nixon -- Public Affairs Management -- Meeting Facilitator

QUESTION: Why are alternates not allowed to attend Workgroup meetings, that way they can be kept up to speed on issues?

ANSWER: At present, the policy is to send the alternates all of the information, all of meeting summaries, all of the agendas, everything. This way they can be kept informed on all discussions, all agreements and can step in at any point. An example of that policy is that Tom Borden is here and he is an alternate for Tim Feller. It is Tim's responsibility to be constantly in touch with Tom and let him know what is going on so that he can step into the group process at any point.

QUESTION: There is a question about the children of the Marysville area having little access to the natural environment. Active involvement of children monitoring the restoration projects would greatly enhance a healthy sense of place and care for the region in which they live. Education agencies and organizations do not seem to be represented in the Workgroup. Is this an issue that should be addressed here to involve our children and empower them to take action towards their futures and communities?

FACILITATOR: I will go through the different questions on representation and then the presenters can divide them among themselves.

QUESTION: This is the first time that I have seen a listing of the Workgroup representatives. I am shocked that there is not one member who represents a Reclamation District. We are in Reclamation District 784 and

have been the victims of two floods in 1986 and 1997, which devastated our area. Our interests are different from any of your members and we need to be represented. I note that SYRCL has five members, yet not one from a Reclamation District. Why is the River Team membership make-up so heavily slanted towards interests, which want preservation and ecosystem restoration without other interests being a part of the process?

QUESTION: Why is there a disproportionate number of advocates for dam decommissioning, SYRCL, Friends of the River, Sierra Club versus property owners and recreational users in your work group? This is very important. The Workgroup and Teams will be making recommendations as the studies progress.

QUESTION: Several times tonight reference has been made that 52 members of the work group participated in the work to date. In the Lake group, alternates were not allowed to attend the sessions. Isn't participation being overstated?

FACILITATOR: Those are the questions on Workgroup representation. I would like Dave to start the discussion, then Shawn and Terry can share their philosophies on Workgroup and Team representation. The Workgroup will receive your comments and take the issue of representation under advisement. So, go ahead Dave.

ANSWER: First, somebody asked a question about a different number of people for different disciplines. That is how I understand the question. Let's talk a bit about an agreement that Shawn and I made that effects how things are done. How things are done in this major Workgroup versus the individual Teams, is that we have consensus. If we do not have consensus in the major Workgroup, and here is where this gets important, we have three options. We can modify the item. We can take the item off the table. Or we can vote on the item. If we vote on the item the members of the Agency Team do not have a vote.

That means if we get into a disagreement that is so serious that we cannot solve it, and we do not want to take it off the table, we have to go to vote. If we go to a vote there are twenty-two people that can vote. Ten people from the Lake Team and ten people from the River Team will vote. A passing vote is six persons from each work group voting for it. So, we thought early on that we can answer that question about too many people on one side, because if we could not agree, we created a method of equalizing the forces, if you will, and agreeing.

About representation on each team, and how they are made up, I am not sure if I can tell you how they were created. We ended up with eleven people on each Team (except the Agency Team). I do not really know

how we ended up with eleven, because we had to pair it down to a number of people that was workable and you ought to see 52 people in a room trying to work together, it gets really interesting. Each Team has 11 members. Some members in those Teams have official alternates. Some Teams have technical advisors. These are the process agreements we are working with at the moment. I would assume that they would be flexible, but we cannot just change everything around in mid-stream. Do you (Shawn Garvey) want to add anything to that, anybody?

ANSWER: There are just a couple of things that I want to elaborate on, because there were some misstatements or misunderstandings. SYRCL is not advocating dam removal. We have had this discussion and dialogue within our organization for more than a year. Ever since we put in a proposal to work on CALFED's Ecosystem Restoration Programmatic Action, our position is that we favor studies about how we can restore water, and what are our range of options are to restore salmon and steelhead. That is our official position. The SYRCL Board voted on it 13 to zero. It passed nine months ago.

We are not an advocate for dam removal. Some of these studies may find that dam removal would be detrimental to human health and safety and detrimental to the salmon and steelhead down stream as well. So, we would not advocate something like that. I cannot speak for some of the other groups. I do not believe that most of the other groups that would be on the River Team have taken a position on Yuba River or Englebright Dam and I would not speak for them. However, SYRCL hasn't, and I think that it is important to realize that.

QUESTION: How did the Workgroup come up with the number eleven for the River and Lake Team representation?

ANSWER: We were handed a list after the Penn Valley meeting that had all of the groups that the public had identified for possible involvement in the study process. We were asked to put together a diverse team from this list of people who could participate in this process. It was recommended that we not pick organizations that were just going to come to the table with a political agenda, that were just going to sit there and advocate one position. We came to the table with a group of people who were going to be open to various options of restoration, and so that is what we picked and I think that we picked a fairly solid group.

SYRCL has 2,750 members, and many of them are very well educated about watershed politics and ecosystem restoration. We picked, in that initial Team, from a group of people who we knew could attend these meetings, and who did not need to be paid (because none of these people are paid to be at these meetings). It was also preferable to choose people

who knew something about the Upper Yuba River. So, that is how our Team was formed.

QUESTION: Can you or Dave address the issue regarding representation from educational agencies and organizations, so that children could be more aware of this process? Can you also address the issue of reclamation district representation on the teams?

ANSWER: I think that not having a Reclamation District representative was an oversight. This has been fixed. I am not sure I know how to solve all representation issues at the moment.

QUESTION: Les (Nicholson) did you have any thoughts on this? Les, is also a member of the Workgroup.

ANSWER: The Yuba County Water Agency who we have looked to for representation of the issues important to reclamation districts are reporting to us on flood control issues. They are doing the major studies in the watershed along with the Army Corps. Secondly, I think that we have Dan Logue as a representative on the Lake Team, who is on the Yuba Sutter Flood Control Committee. We look to these people with respect to these issues (reclamation and flood control), just as I look after water supply and Dave is in recreation. So, if the Team doesn't have a designated issue person, it is not because we overlooked it, we thought that those people were the best to represent that discipline.

QUESTION: Thank you Les. Next, there is a question whether or not the alternates should be attending the Workgroup meetings and whether the Team representatives can accurately represent the various interests. Go ahead Terry.

ANSWER: I want to point out that early in the process it was very important that Dave's team and Shawn's team felt that they were on par with one another. I also wanted to make sure that they were in agreement on deciding that they wanted to have equal numbers of representation. I think that as we go through the next four public meetings that we are going to hear additional comments that we need to re-evaluate our membership. I think that will be an issue that the Workgroup considers at our next full Workgroup meeting. I really suspect that will be one of the topics that come up; are we actually providing representation for all of the folks that should be represented. I think that the program is flexible enough that we can accommodate any additional needs that come up.

FACILITATOR: If you have any additional comments or questions regarding representation please write them down, or talk to a Workgroup member after the meeting. As Terry said, we will definitely take all of this input and

re-examine it at the next Workgroup meeting. We have about twenty-five other questions, and I am going to move to another topic.

Let me move on to a number of fish related questions. I will just start. Again, you may hear from the panel, "I do not know, or we do not know yet. You have a question that we will not be able to answer until we do a years worth of studies." Please don't hold these people responsible for that. They don't know the answers to many questions, but we will make sure these get into the process and the proper technical people come on board to give us these kinds of answers. So I really would ask your patience on this. There are some pretty technical tough questions here and I do not suspect these folks know the answers, but we are going to give it a shot.

QUESTION: What about lake habitat being a consideration along with the upper and lower river habitats? We are speaking as if the lake was not there, and obviously the lake has a habitat and sustains fish and populations of it's own. So Jen or Shawn, can you answer that question?

ANSWER: I think that Dave could probably answer this question better than anybody, since he lives there and understands what goes on at that lake and the number of species that call that lake home. I think that some of our Issue Areas did actually include this. Certainly, I took the mixing of the species above the dam and below the dam to include this. I understood that to mean, the species in the lake as well as the upper watershed. But, it is a good question, I think that all of the six studies involve to one degree or another the actual ten miles of Englebright itself

FACILITATOR: I think that we are definitely capturing that other habitat and other species are an issue and I do want to encourage you to pull out this newsletter and read it as we are going through each topic. For example under fisheries evaluation, it does say the existing aquatic environment on or in the lake to determine any potential effects on resident fish population. What I am also hearing is that you need to look at all of the other habitats as well. So we will make sure that that is captured. But, please make sure that you are looking at this (the newsletter) too.

QUESTION: The June 1998 Spring Run Candidate Species Status Report stated in 1961 this run has virtually disappeared ...1969 it is felt that the run is extinct. The report goes on to state that the Feather River Hatchery Spring run will be planted in 1980, 1983 and 1985 In the Yuba River. Two-hundred-and-nineteen-thousand total. It also states that spring run are hybrids and interbreed with native fall run. Should CALFED consider destroying Englebright to introduce non-native hatchery fish to the upper Yuba River?

ANSWER: That is a very good question. In Butte Creek twenty years ago, there was maybe fifty fish. Given the proximity of Butte Creek to the Feather River, we would have anticipated that the Feather River spring run Chinook salmon would have strayed into Butte Creek. It turned out that we were wrong, biologists on occasion make mistakes. It may have been premature to decide that spring run Chinook were extinct or no longer present in 1969 or 1971 below Englebright Dam. Naturally spawning fish also have a natural tendency to stray on occasion and that is how new populations or genetic exchange occurs between populations. It is a healthy thing for spring run Chinook salmon to stray and it may be more common in spring runs since during drought periods they cannot get to their head water streams, yet they have continued through the decades. They will go where the water is if they cannot get where they want to go, and as a result there is a lot of natural straying.

Certainly we are concerned about the genetic integrity of the spring run Chinook salmon. In an effort different than what we are doing here, CALFED and other agencies are planning a variety of genetic studies to better define the genetic constituency of Chinook salmon in the Central Valley. We found that spring run Chinook salmon in the Deer Creek and the Mill Creek are slightly different than the spring run Chinook salmon in Butte Creek. The Butte Creek are very different than the spring run Chinook salmon at the Feather River Hatchery. Those are ongoing studies and it will be a couple more years before we have the definitive data that we need.

QUESTION: Preliminary findings by the Deer Creek Anadromous Fish Study show that the average water flows into the Yuba at Smartville, before the dams, were in the range of two hundred to four hundred cubic feet per second. Temperatures at that location approached eighty degrees during July and August. California has Mediterranean weather, with wet winters, and long hot dry summers. California Department of Fish Game Biologists state that spring run salmon require temperatures of fifty-seven degrees and lower. The coldest temperatures found by the Deer Creek Anadromous Fish Study was fifty-two at Sierra City. Therefore, Fish and Game Biologist state that the spring run salmon cannot exist in upper Yuba River. Please comment.

ANSWER: One of the problems that we have had with the construction of dams is that fish can no longer get to their historic spawning habitats. In many situations we have had to bring the habitat to the fish. Typically, that is cooler water. One of the attributes of spring run Chinook salmon and Steelhead is that they migrate upstream early in the season. It could be late January, February, or March. Typically when flows are as high as they are going to get. Even in a drought year they typically have enough flow to get to the headwater streams. Typically, they look for very cool

deep pools to reside in over the summer. The spawn and their juveniles will migrate up into small tributaries, which are even colder.

Certainly water temperature is a key component, but it is probably inappropriate to look strictly in August and September and say that the water is too warm and the fish will not survive there. You need to look at the distribution of the deep pools throughout the river system, and look at the small tributary feeder streams that can inject a lot of cool water. I think there is a lot of information that we need to collect on habitat in the upper Yuba River and it would be a little early to reach any decisions based on the limited information that we have.

QUESTION: Maybe Jen (Carville) could answer a couple of fish related questions as well. CALFED in prior meetings has said that it was determined that spring run salmon were not historically located above Lake Englebright. This would be considered a fatal flaw. I notice that in the wording of the purpose statement that the word was changed from introduction to re-introduction. There is concern here that the rules are changing.

ANSWER: I think that basically so much of the Chinook salmon habitat in California has been reduced and the watershed above Englebright Dam represents an incredible opportunity to restore habitat for these fish.

QUESTION: If it was determined that these native fish were not there in the first place, and this was a fatal flaw, would the dam option be dropped? That has been clearly identified as a fatal flaw. Now I see the new publications coming out have transitioned from a reintroduction to introduction and I think that is an important change. Our understanding was that the fatal flaws were going to be constant.

ANSWER: I understand that concern. I think that everyone understands that concern and I think that the point is that we do not have the information, the definitive information, on whether these fish ventured into the upper Yuba River prior to Englebright Dam. There are little stories that there were fish there, but basically I do not think that there is enough factual information that provides a definitive answer to that question.

QUESTION: If it is determined that there is the need to restore these fish to the upper Yuba River, then what place and time will the restoration be based on?

ANSWER: In the Ecosystem Restoration Program, this question frequently comes up. If you are going to restore the ecosystem, to what level or what year is your baseline. I think that we indicated earlier that we do not have enough information on fish abundance in the Yuba River Watershed in the 1850's to set a restoration level based on that time frame. The environment there has been significantly changed. CALFED's Habitat Evaluations Feasibility

Study is designed to determine if there is habitat there, what is its distribution, what is its quality, and can it be improved? Based on that, it might give us at least a baseline estimate of where we think we are going. Right now we do not have that information.

QUESTION: Why should an established habitat for many and varied wildlife be destroyed to possibly enhance the commercial fishing industry?

FACILITATOR: This appears to be a rhetorical question. I think that we will receive that as a comment and move on.

FACILITATOR: We have an announcement that on October 16, 1999, at 10:00 am, the Deer Creek Anadromous Fish Study, that I was describing before, will hold its first annual Yuba River Salmon Festival below Englebright Dam. The objective of this festival is to inform all concerned to the true needs of salmon. You can see where they spawn, and where they do not. They hope to have river biologist there to explain river habitat conditions, and answer questions.

QUESTION: I will now ask a couple of flood control questions. Chinook and Steelhead are important, but flood control may be more important. Is there a study on the possibility of a third dam on the lower Yuba River?

ANSWER: I really do not know. I think that question is better left for the flood control agencies to discuss those options. I do not have an answer for that.

QUESTION: Tim Feller, the representative of CAALED said, that if these studies are not done in a coordinated way, the Upper Yuba River Studies Program could be for naught. We need water storage and we need flood control. Why not consider a fish hatchery as part of the study process?

ANSWER: California has a lot of experience with fish hatcheries, whether they are Federal hatcheries or State hatcheries. Typically, hatcheries are constructed as a mitigation for habitat that was lost during the era of big dam construction. Shasta Dam was built and they built Coleman Hatchery. Oroville Dam was built, and they built the Feather River Hatchery. Nimbus Dam was built, and they built the Nimbus Salmon/Steelhead Hatchery. We found that hatcheries really do not fully mitigate for the loss of naturally spawning fish habitat, or the genetic component thereof. In terms of dealing with non-native species, the regulatory agencies take a more careful look at the role of hatcheries. Given the current situation on the Yuba River, a hatchery would not be acceptable to endangered species folks or to the CALFED Ecosystem Restoration Program. We have had suggestions in the past that we should dam all of the rivers and just build one large hatchery. Certainly

that would not work. We are not sure what role a hatchery would of on the Yuba River, probably none.

QUESTION: As a part of the study, consider a new dam and ways to transport fish around the new dam, and of Englebright Dam?

ANSWER: The studies regarding public health and safety, flood control, will specifically build on only existing studies and ongoing studies. This was stated in the presentation. There are two existing flood control studies regarding the Yuba Rive Basin. Both were conducted by the Army Corps of Engineers. The first study was done in 1989, the other was finished in 1998. There is an ongoing Sacramento, San Joaquin Delta Army Corps Study that includes the Yuba River Basin and the Yuba County Water Agency Supplemental Flood Control Program. All of those include some level of analysis and study of additional dams. Those studies are part of the flood control analysis that the Workgroup will include in its evaluation. So, any proposed dams are actually part the feasibility and investigation portion of these studies.

QUESTION: That is a good transition into our next topic, which is water storage, water supply. I am concerned about future water shortages in California. Why is CALFED more interested in fish than people? How are farmers going to plant crops if the main concern of CALFED is increased water flow for fish?

ANSWER: Don't get a slanted view of what the Ecosystem Restoration Program is. That program is what we have been talking about tonight. It is one of eight CALFED components. Certainly, the overall mission of CALFED is to increase the beneficial uses of water and ecological health. I am just working on the ecological health side; there are other programs that are addressing the other beneficial uses of water. In fact, one of the more controversial components of CALFED's program is the development of additional surface storage within the Central Valley to meet the needs that we just heard. There is water needed for environmental purposes, but equally there is as much needed for agricultural and urban purposes. One of the goals that CALFED is trying to achieve is a better balance of ecological to consumptive uses. The goal is to improve the reliability of water for all purposes, including the ecosystem, agricultural and urban uses. So, you are only hearing one side of the story tonight. We are talking about ecosystem restoration, but in the larger context, CALFED is addressing the concerns that we just heard.

QUESTION: In the CALFED booklet, page two describes the Bay-Delta providing drinking water for 22 million Californians. California's farmlands have produced 45% of the nation's fruit and vegetables, in addition to animals, plants and habitat. What is CALFED's projection of water storage needs

for the increased projected growth in the state's population for the year 2025?

ANSWER: CALFED has developed those numbers. I do not know what they are.

QUESTION: Does CALFED know or project where the new storage will come from or be located?

ANSWER: This is an issue in our other public meetings that are being held throughout the state. These meetings are being held to take comment on our EIR/EIS. CALFED has not decided the nature or the location of additional storage. It might be surface storage, in Delta Storage, South of the Delta Storage, or groundwater storage. That is one of the details that need to be developed during the next phase.

QUESTION: Is the study taking into consideration the fact that we will burn 5,400,000 gallons of oil per year if Englebright Dam is removed? Is there a concern about the loss of power generation?

ANSWER: In general I think that the comment is reasonably correct regarding the loss of power generation were the dam to be removed. The energy replacement will typically come from either gas or fossil fuel energy sources. The energy market is developing, opening as it were. The prices in the California deregulated energy market are sufficient that it is generating a lot of interest in new generations throughout California. There is something like 5,000,000 megawatts being proposed to the California Energy Commission for construction within California. So, yes there is the additional emissions impact as well. I think that these issues were identified as part of the Workgroups efforts to establish evaluation criteria, before any decisions can be made.

QUESTION: Why isn't recreation covered as an Issue Area? There does not seem to be an emphasis on it in the newsletter. It was identified as a major issue at the last two public meetings?

ANSWER: The newsletter states, "the potential, adverse, and beneficial economic results need to be evaluated. Those include property values, business values, power generation and recreation."

QUESTION: At the meetings in Olivehurst and Penn Valley a number of people expressed their concerns regarding the impacts removal of the Dam could have on recreation at Englebright Lake, as well as throughout Nevada County. There is some concern that impacts to recreation are not being given enough emphasis in the study process.

ANSWER: If you look at some of the discussion that came out of the Teams themselves, you will find that recreation was well covered. There was a lot of discussion of the tradeoffs between lakeside recreation, and riverside recreation. There was also a lot of discussion regarding the impacts of introducing endangered species in the upper river, and what impacts that it might have on existing uses there.

QUESTION: What flood control benefits does Englebright Dam offer?

ANSWER: That is a perfect question to analyze through this study process. That is one of the things that we need to look at and understand. What are the quantifiable flood benefits that Englebright provides today? What flood control benefit will it provide if we re-operated it or if it is converted to a dry dam? I think that is exactly what these studies need to look at for Englebright. We do not have the answers to those questions at this time.

QUESTION: Will Southern California water interests have an impact on the Englebright study process?

ANSWER: Our ecosystem program on the upper Yuba River is not a water supply issue. Certainly one of the impacts that we are going to assess is how we are going to influence local water supplies. Additionally, the program will analyze any opportunity to enhance local water supplies if we need water for fish, that is how will we replace the water? Certainly we are not putting this program together for the idea of providing water for export anywhere else in the state. We are just looking at the Yuba River as a system.

QUESTION: I will now be asking a series of questions regarding study process. First, please identify the members of the three Teams.

**LAKE
TEAM:**

Representatives:

Curt Aikens – Yuba County Water Agency
Tim Feller – Citizens Allied Against Lake Englebright Destruction
Kevin Goishi – Pacific Gas and Electric
Mary Keller – Sutter County
George Leipzig – Penn Valley Chamber of Commerce
Dan Logue – Yuba/Sutter Flood Control Committee
Elizabeth Martin – Nevada County Board of Supervisors
Dave Munro – Skippers Cove Marina
Les Nicholson – Nevada Irrigation District
Hal Stocker – Yuba County Board of Supervisors
Mal Toy – Placer County Water Agency

Alternates:

Dick Akin – Sutter County Board of Supervisors
Tom Borden – Citizens Allied Against Lake Englebright Destruction.
Henry Delamere – Yuba/Sutter Flood Control Committee
Brent Hasty – Yuba County Water Agency
Doni Hubbard- Citizens Allied Against Lake Englebright Destruction
Einer Maisch – Placer County Water Agency
Steve Peirano – Pacific Gas and Electric
Craig Seltenrich – Pacific Gas and Electric
Mike Winter – Lake Wildwood Association

RIVER

TEAM:

Representatives:

Rance Broada – Gold Country Fly Fishers
Jen Carville – Friends of the River
Alan Eberhart – Sierra Club
Mike Fitzwater – California Sport Fishing Protection Alliance
Shawn Garvey – SYRCL
Bruce Herring –SYRCL
Mark Reisner – Pacific Coast Federation of Fishermen's Association
Barbara Rivines – Sierra Club
Kerri Timmer - is an alternate with the Yuba Watershed Council
Steve Trafton – Trout Unlimited
David Yardis – Environmental Defense Fund

Alternates:

Steve Evans – Friends of the River
John Regan – SYRCL
Larry Sanders – SYRCL
Carol Wasilewski – SYRCL

AGENCY

TEAM:

Representatives:

Charlie Alpers - US Geological Survey (USGS)
Allison Bettencourt - Nevada County Resource Conservation District
Larry Brown – USGS
Neil Dubrovsky - USGS
Steve Edmondson - National Marine Fisheries Service
Jim Eicher- Bureau of Land Management,
Mary Grim – Tahoe National Forest
Doug Grothe – US Army Corps of Engineers
Karl Halupka – National Marine Fisheries Service
Joe Holmberg – US Army Corps of Engineers

Carol Kennedy – Tahoe National Forest
Carl Mesick– US Fish and Wildlife Service
Terry Mills – CALFED
John Nelson – California Department of Fish and Game
Ray Patton – California Department of Parks and Recreation
Julie Tupper – US Forest Service

ANSWER: The people on these teams, especially the Lake and River Teams may be technical advisors or alternates.

QUESTION: Please describe how the public meetings were advertised in local newspapers.

FACILITATOR: The meetings were advertised in the Sacramento Bee, and several local newspapers. The add was run twice, once two weeks ago, and again just prior to this meeting. Press packets were also sent to the editors of all the papers that we located. Additionally, the Workgroup newsletter was sent to 252 news organizations.

QUESTION: Referencing the CALFED Scope Map of California. It appears to take in approximately 75% of the state. CALFED is spending taxpayer dollars and making decisions that may affect millions of Californians by un-elected officials. Is this true or false?

ANSWER: That is false. As I pointed on the chart for the CALFED Organization, we report directly to the Governor of the State of California, who is an elected official. We also report directly to the Secretary for the Interior, which while not an elected official, reports directly to the President.

That is where the ultimate decisions are made on the CALFED program. They are made at the highest State and Federal levels.

QUESTION: You are certainly welcome to speak to your elected officials that will be involved in this study as well. In fact, on this study there are three elected Boards of Supervisors on the Workgroup. Dave you might want to say who the elected officials are.

ANSWER: Elizabeth Martin from Nevada County, Hal Stocker, from Yuba County and Dick Akin from Sutter County. Dick Akin will function as a representative at times and other times as an alternate, depending upon his schedule. Bret Hasty also serves as an alternate. So that is four.

FACILITATOR: We have told you about the Team members because these people understand their role in this and you should feel free to communicate with

them about your needs and interests, and make sure that your interests are represented.

QUESTION: What is the relationship between the Central Valley Project Improvement Act, which is the act that preceded this in the CALFED process?

ANSWER: The Central Valley Project Improvement Act was directed at restoring an ecological balance, providing water developed under the Federal Water Projects for environmental purposes, and for restoring anadromous fish runs to a level that occurred from 1967 to 1991. There are a lot of similarities between the two acts. One of them is in place. It has required that Federal water users give up water to restore fisheries. The CALFED program is a little bit broader trying to develop additional water supplies, restore endangered anadromous fish, and restoring ecological health to the Bay-Delta system. In the long term, things that are implemented under the CVPIA will be, and are consistent with, the goals of the Ecosystem Restoration Program and other elements of the CALFED Program.

QUESTION: If the objective of this study is truly to introduce salmon and steelhead to the upper Yuba River, couldn't they be transported in a less costly way than the costs of this study. Perhaps by limousine.

ANSWER: That could be one of the alternatives that we look at regarding fish passage. Elsewhere they have tried elevators, long fish ladders. A limousine might fit in there as well, but there are alternative things that we want to look at to find out if they are biologically or economically feasible.

QUESTION: While the upper Yuba River Study is going on, will work by others be allowed to begin or continue? Perhaps other studies or other projects, such as building dams or gold dredging work?

ANSWER: My assessment is that as we conduct feasibility studies, there should be no impact to any ongoing activities. The feasibility studies are designed to collect information so that we can make some informed decision somewhere in the future.

FACILITATOR: Will meeting notes from this meeting be available? Yes they can be found at the CALFED website, or can be received through the mail if you write or call.

ANSWER: There was a question earlier that we did not respond to, that dealt with the education programs school-aged kids. CALFED in the past has sent out requests for proposals, designed to fund education programs. It will be like another year or more before CALFED solicits for those programs, but I agree as restoration projects begin in Yuba and adjacent counties. It

would be very valuable to implement watershed restoration programs and to develop education programs to get the kids out to see what the habitat restoration is all about. There will be more opportunities in Yuba County for these types of programs to get started, but it will probably be another year or more before CALFED will request proposals to develop these kinds of plans. There is a very active public education fund that exists now.

AUDIENCE

MEMBER: What about the meeting summaries for the Olivehurst and Yuba City Meetings?

ANSWER: There are meeting summaries that are available on our web site. If you do not have internet access, write or call us and we will send them to you. You can also fill out a card this evening, and we will send the meeting summaries to you.

QUESTION: Weren't the Workgroup meetings as well as other CALFED activities open to the public, press and other Government agencies? Why aren't the Workgroup meetings as well as other CALFED activities open to the public, press and other Government agencies?

ANSWER: For our Workgroup and Team meetings, Shawn, Terry, and I had an agreement between us, and our team members. That agreement simply stated that as long as we were in a Workgroup process to establish who we were and where we were going, those meetings would be closed to the press. In other words, no press allowed. Our intent is very clearly not to try this in the press, not to create sensationalism, and not to create "facts" that are not in fact true. This is an agreement that we made early on, that we have stuck with. Part of that agreement is that all notification of these processes by the Upper Yuba River Workgroup, would be handled by a communication such as the newsletter. This was distributed by CALFED, not by individual Workgroup members. We agreed that the content of any communication, press releases, and press packages would all be approved by the three of us. The intent for that is to give you real information that we have all reviewed and agreed to, and eliminate sensationalism.

ANSWER: I think that we saw early on the importance of establishing relationships that were based on trust. The direction that we were being pushed in by the press and by our own actions was one that was destined to conflict. It would have dragged this process on for years with no resolution and no one would have benefited. Everyone would have lost and so we thought at the outset that we needed to clear the air. All too often you read something in the newspaper and it's drastically different than what you recall. That was the intention there. I think that it was honest.

ANSWER: Early on in trying to set up this process, we pointed out that it was very important to maintain parity between the River and Lake Teams. Likewise, we felt uncomfortable with the opportunity to have another very large public meeting, which is basically what it would have been. We just came back from Penn Valley and we knew that style of meeting was inappropriate. To have an effective work group we had to have an opportunity to develop some of the issues without too many distractions. In the future, I think that we have to take a very careful look at our meeting notifications and how we structure the meetings.

I am glad that the question came up, and I am sure that it will come up at our next four public meetings. The three of us are going to have to think seriously about how we notify people. I suspect in terms of the CALFED program, we are going to be required to let people know when and where we are going to meet. We will be required to give people an opportunity to sit in and hear what the discussions are about. Up until now CALFED has not voiced an opinion about this, but I think that it is an opinion that we need to seek out.

QUESTION: There was some concern expressed by a gentleman from Marysville that his elected official is a representative, but as an alternate he cannot adequately represent his views.

ANSWER: All elected officials that serve on the Lake Team were asked to be primary representatives. Some of those officials chose to be alternates and will come when they can. That is their choosing, not mine.

FACILITATOR: It would appear that adequate representation is an issue that the workgroup needs to consider. The end goal will be to have the right representation, number one, and number two to also make sure that it is still evenly split for the voting purposes.

QUESTION: Does CALFED plan on distributing study funds equally to both sides?

ANSWER: We have not talked about how funds will be distributed after the public meetings. When we get back, your comments on what we have done and where we are going, will be considered. We need to develop more detailed descriptions of the types of studies we need to carry out. In that process we will start identifying who could most effectively do the work that we want done. We will also be looking at the most cost efficient way to accomplish our goals. Right now we are not going to be looking to equally divide funds between the River and the Lake Teams. We are looking for people with impartial technical expertise, who have experience in these types of studies, who can do the studies under our control, and provide us the products that we need.

QUESTION: And that is under the Workgroup's control?

ANSWER: It is important to note that nobody on the River Team, Friends of the River, Sierra Club, SYRCL, etc, is eligible for the funding.

QUESTION: If the spring run salmon start their run early in the year, why are the hatcheries not open until September? Would the opening of hatcheries during the spawning season help the numbers of spring run salmon?

ANSWER: One of the problems with hatcheries is that spring run schnook interbreed with fall run. Also, spring run do not hold well in hatcheries for the whole summer. We have discovered at Feather River Hatchery that we open the gates in June, and few spring run come in. This is an indication that they have hybrid, and are no longer a pure spring run. Spring run spawn in late August and early September, so they are basically a fall spawner. The hatcheries typically, don't let spring run into the hatcheries until they are about ready to spawn. The fish come in for a short time to spawn. This really typifies the problem with hatcheries, and that is why we do not have pure spring run at Feather River Hatchery. They are hybrids.

QUESTION: Given the magnitude of what CALFED is doing, when are people going to be allowed to vote on the final proposals?

ANSWER: Well that is jumping really far ahead into the future. Certainly right now we are just trying to gather information to see if there is any type of feasible project that CALFED would be interested in moving forward. Certainly it is going to be a very open process and I cannot predict whether at the end of this we are going to have a viable project that we want to move forward. Somebody mentioned earlier fatal flaws, whether we are going to find a fatal flaw in this whole process and it ends in 18 or 24 months from now. Certainly, I do not think that it is ever going to come to a vote.

ANSWER: The way the CALFED process is set up the answer to that question is never. The final decision as CALFED is currently set up will be made by two people. Or may, in fact, be made by two people, The Governor of the State of California and the Secretary of the Interior. If I understand CALFED's set up, they have the power to do that.

FACILITATOR: I think that Terry did have a slide up there that said the Governor and the Secretary of the Interior are the ultimate decision-makers. I encourage you to look at the overheads.

AUDIENCE

MEMBER: Could I ask a question about that, a follow-up?

FACILITATOR: Sure.

AUDIENCE

MEMBER: I believe that all of the funding for CALFED comes from the State and Federal Government through authorization from the State Legislature and Congress. So your Congressman and your Assemblyman or State Senator is voting on the funding for the CALFED programs. Is that correct?

ANSWER: That is correct. In fact when the California voters passed Proposition 204, California set aside \$390,000,000.00 for ecosystem restoration, which will become available to CALFED at the completion of our EIR/EIS process. Part of the completion of the certification of the EIR/EIS includes certification of the Ecosystem Restoration Program Plan. When the EIR/EIS is certified so are the actions. These include the programmatic general actions described in the Ecosystem Restoration Program Plan, which have been adopted by the agencies, and that are available for funding when funding becomes available. There is also Federal funding available as well.

QUESTION: Do you want to clarify for the public the EIR/EIS process?

ANSWER: CALFED has been involved in a very complex Environmental Impact Statement/ Impact Report process for the last few years. Part of that, as I described earlier, was the eight strategies, the eight CALFED programs. CALFED is going to undertake activities to restore beneficial uses of water, and the restore ecological health of the Bay-Delta system. Some actions may be additional storage and there may be a conveyance component through the Delta.

The EIR/EIS process is part of a whole series of public meetings being held by CALFED. Actually there are 15 public meetings that are going on concurrently throughout California for the next couple weeks where we are taking comments on our Programmatic Environmental Impact Statement that was released in June of this year. I think that public comments can be made on that through September into October. Then we move into the final phase where in a year from now CALFED wants to come out with the Final Programmatic EIR/EIS and get it certified; which means that we can then move forward to implementation.

AUDIENCE

MEMBER: I thought that when the voters passed Proposition 204, they funded the CALFED mechanism. My understanding is that funding does not require a vote of the legislature. Am I correct in that assumption? The decisions effected program implementation will be voted on by the CALFED agency itself.

ANSWER: I think that is correct.

AUDIENCE

MEMBER: Our legislators are not going to be able to have a direct impact on how that money is spent. I want to make sure that we are clear on that.

ANSWER: I would not underestimate the political process. There are many people that have opinions and influence on how the money will be spent, particularly in the CALFED program.

AUDIENCE

MEMBER: I am talking about a direct vote. The second point that I have is that every other City Council, Board of Supervisors, Legislature are subject to the open meeting laws. The Brown Act and other Acts assure that all of this is going to be open the public. I am curious to know why CALFED voluntarily does not take that same posture. I can appreciate that all of you people have good intentions and you can process the information, perhaps better than the press and the rest of us. However, I think the press should be there to hear the points of view being expressed at the Workgroup meetings. Tonight's turnout is very poor. I do not think people realize what is taking place, and if the press was involved I think you would see a much greater turnout of people. Why does CALFED feel like they should not be involved in the open meeting process both for decisions and their workgroups. Why are they not open?

ANSWER: I already explained my rationale for the meetings and why we felt that it was best to conduct them that way during Phase 1. I do not want to repeat that answer. For this meeting though, I do have to tell you that the newsletter was mailed to 252 News Organizations because they were on the list that I submitted to CALFED. News entities throughout the Sierras, throughout the state of California, received that newsletter. The Appeal Democrat as far as I know, received a press release on this meeting days in advance, As other people have said, there have also been paid advertisements. For this meeting and for the rest of the meetings there have been lots of notice, really more notice than almost any other public meeting I have ever heard of.

QUESTION: Do you think that we have captured that issue tonight?

ANSWER I for one have heard what you said. I think it was a good point, and it deserves further clarification

QUESTION: I also think we heard about the representation issue and we will bring that back to the Workgroup. If you believe there are press people we have not contacted, we are happy to show you our list of press contacts, in addition

to the paid advertisements, the press releases, the press packets we sent to every local newspaper. We are happy to have them all here at the open meeting

ANSWER: Earlier I pointed out that I do not think CALFED lawyers would appreciate the fact that we did not break the law, but we bent it in such a way to meet our immediate needs. I think in the longer term that we need to reconsider our position and hear from CALFED lawyers, because your issue about open meetings is right on the mark.

ANSWER: All CALFED meetings are open to the public. It is just that there are twenty-five meetings a day and it is hard to decide which one you want to go to.

FACILITATOR: Yes, you certainly can get on the CALFED mailing list. They send notices out every day.

Ok, so we very much have heard the recommendations on the process, and we assure you we are taking it seriously. We will consider it.

Again, these public meetings are happening the rest of the week, in Rocklin tomorrow night, Nevada City on Thursday night, Oakland next Tuesday, and Yuba City next Thursday. If there are other folks that you think did not attend, or the press, that we should hear from here, please tell them about these meetings.

In the newsletters, as well as on the table we have the details about the addresses. We even have directions if you need them.

Thank you very much we will stay around for a little longer. Again, help yourself to cookies and lemonade on the way out, and thank you very much for coming and participating.